IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE P.N.RAVINDRAN

MONDAY, THE 17TH DECEMBER 2007 / 26TH AGRAHAYANA 1929

WP(C).No. 35991 of 2007(I)

PETITIONER:

LAILA BEEVI, AGED 48,
W/O.LATE ABDUL SALIM SAHIB,
NISHANT GARDENS, PATHANAPURAM, KOLLAM.

BY ADV. SRI.NAIR AJAY KRISHNAN
SRI.R.T.PRADEEP
SRI.V.VIJULAL

RESPONDENTS:
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1. THE SUPERINTENDENT OF POLICE,
OFFICE OF SUPERINTENDENT OF POLICE,
KOLLAM.

2. THE SUB INSPECTOR OF POLICE,
KOODAL POLICE STATION, KOODAL.

3. ASHOKAN, CONVENER, A.I.T.U.C. MANGODU PO
PATHANAPURAM.

4. JAMALUDHIN, CONVENER, C.I.T.U,
MANGODU P.O., PATHANAMTHITTA.

5. HANEEFA, CONVENER, I.N.T.U.C.,
MANGODU PO, PATHANAPURAM.

6. YOUSEPH, CONVENER, K.T.U.C. (M)
MANGODU PO, PATHANAMTHITTA.

7. SYED MASOOD, CONVENER, K.T.U.C.(B)
MANGODU PO, PATHANAPURAM.

8. AHMED, CONVENER, I.N.L.C. MANGODU PO
DO DO.

9. SHAJI C.A., CONVENER, K.T.U.C. (M)

MANGODU P.O. DO.

10. RAGHUNATH KURUP, CONVENER, B.M.S.,
KALANJOOR.

11. ACHUTHAN NAIR, SECRETARY, C.I.T.U.,
KALANJOOR.

12. SADANANDAN, CONVENER, C.I.T.U., SINDHU
BHAVANAM THIDI, NIRATHUPARA P.O.,

13. MASOOD, CONVENER, A.I.T.U.C., ASEENA
MANZIL, NIRATHUPARA PO.

14. SUNNY, CONVENER, I.N.T.U.C., THOPPIL
VEEDU, NIRATHUPARA P.O.

15. S.SHAJI, CONVENER, K.T.U.C. (M)
KALLIPARA THEKKE CHARIVIL, NIRATHUPARA P.O.

16. T.N.RAJAN, CONVENER, B.M.S. BHASKARA
VILASAM THIDI, NIRATHUPARA P.O

17. SOMARAJAN, CONVENER, U.T.U.C. THIDI,
NIRATHUPARA P.O.

BY ADV. SRI.BRIJESH MOHAN
SMT.RESMI G. NAIR
SRI.P.RAMAKRISHNAN
SRI.C.ANIL KUMAR
GOVT. PLEADER SRI.P.A.SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 17/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXTS.

EXT.P1 - TRUE COPY OF SETTLEMENT DEED DATED 2.4.96 NO.1232/96

EXT.P2 - TRUE COPY OF TAX RECEIPT DATED 26.11.07

EXT.P3 - TRUE COPY OF COMPLAINT DATED 27.11.07 TO 2ND RESPONDENT.

RESPONDENTS' EXTS.

EXT.R9A – TRUE COPY OF THE IDENTITY CARD ISSUED TO SHRI SULAIMAN RAWTHER

EXT.R9B – TRUE COPY OF ORDER DATED 22.10.2007 PASSED BY THE DISTRICT LABOUR OFFICEER, PATHANAMTHITTA.

EXT.R4(a) – COPY OF THE IDENTITY CARD ISSUED TO 3 MEMBERS OF RESPONDENTS 4 TO 7.

EXT.R4(b) – COPY OF THE AGREEMENTS (2) ENTERED INTO BETWEEN RESPONDENTS 4 TO 7 AND RESPONDENTS 9-17.

EXT.R4(c) – COPY OF THE JUDGMENT OF THIS HON'BLE COURT IN W.P.(C) NO.3967/05 DATED 3.2.05.

EXT.R4(d) – COPY OF THE JUDGMENT OF THIS HON'BLE COURT IN W.P.(C) NO.31274/04 DATED 25.11.04.

EXT.R4(e) – COPY OF THE ORDER NO.LR-3543/07 DATED 22.10.2007 ISSUED BY THE DISTRICT LABOUR OFFICER, PATHANAMTHITTA.

EXT.R4(f) – COPY OF THE APPEAL FILED BY RESPONDENTS 4 TO 7 BEFORE THE REGIONAL JOINT LABOUR COMMISSIONER, KOLLAM.

/TRUE COPY/

K.BALAKRISHNAN NAIR &

P.N.RAVINDRAN, JJ.

W.P.(C) NO. 35991 OF 2007-I

Dated 17th December, 2007.

JUDGMENT

Balakrishnan Nair, J.

The petitioner is the owner of an estate. She wants to cut and remove the rubber trees in her estate, so that she can commence re-plantation by January, 2008. She is engaging specialized workmen for cutting the trees, which is done by using mechanical devices. The right to do the next stage of the work, that is, loading the timber logs into vehicles, is in dispute. The respondents 4 to 7 belong to a particular area and the remaining party respondents belong to another area. The workmen from these two areas stake their claim for doing the work of loading the timber logs into the vehicles. In view of the said dispute, the petitioner has decided to do the loading work using hydraulic device. Since the workmen are objecting to the same, this writ petition is filed, seeking police protection.

2. We heard the learned Government Pleader for the official respondents and also the learned counsel for the party respondents. If the

petitioner is doing the loading work using hydraulic device, the workmen concerned cannot cause any obstruction to the same. If there is any obstruction, the petitioner can move the 2nd respondent. In that event the said respondent shall see that the obstruction is removed. The dispute between the Unions is kept open. For settling the same, they may move the appropriate authorities.

The Writ Petition is disposed of as above.

K.BALAKRISHNAN NAIR, JUDGE.

P.N.RAVINDRAN, JUDGE.

Nm/